

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MILAUDI KARBOAU,

Plaintiff,

v.

LOWELL CLARK,

Defendant.

CASE NO. C12-5045 BHS

ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED *IN*
FORMA PAUPERIS AND
REVOKING PLAINTIFF'S
CURRENT *IN FORMA PAUPERIS*
STATUS

This matter comes before the Court on Plaintiff Milaudi Karboau's ("Karboau") motion to appeal *in forma pauperis* (Dkt. 40).

On June 26, 2013, the Court adopted the Report and Recommendation of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 33), and dismissed Karboau's complaint without prejudice and without leave to amend because Karboau had failed to file a proper complaint despite numerous opportunities and guidance from Judge Strombom over the course of eighteen months. Dkt. 38. On July 1, 2013, Karboau filed a motion to appeal *in forma pauperis*. Dkt. 40.

1 Under 28 U.S.C. § 1915, any court of the United States may authorize the
2 commencement, prosecution or defense of any suit, action or proceeding, civil or
3 criminal, or appeal therein without prepayment of fees or security therefore. *See also*
4 Fed. R. App. P. 24. The Court, however, has broad discretion in denying an application
5 to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert.*
6 *denied*, 375 U.S. 845 (1963).

7 In this case, the Court finds that Karboau's appeal is frivolous. Therefore, the
8 Court **DENIES** Karboau's motion and **REVOKES** Karboau's current *in forma pauperis*
9 status. Karboau may petition the Ninth Circuit to proceed *in forma pauperis*.

10 **IT IS SO ORDERED.**

11 Dated this 2nd day of July, 2013.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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